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June 6, 2023

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Hector Gonzalez, U.S.D.J.
225 Cadman Plaza East
Courtroom 6A South
Brooklyn, NY 11201-1804

**Re: Stidham v. 161-10 Hillside Auto Ave, LLC, et al.
Case No.: 1:21-cv-7163 (HG) (LB)
MLLG File No.: 94-2019**

Dear Judge Gonzalez:

This firm represents the Defendants, 161-10 Hillside Auto Ave., LLC d/b/a Hillside Auto Outlet (hereinafter “Hillside Auto Outlet”), Hillside Automall Inc d/b/a Hillside Auto Mall (hereinafter “Hillside Auto Mall”) (Hillside Auto Outlet and Hillside Automall collectively hereinafter the “Corporate Defendants”), Ishaque Thanwalla (hereinafter “Thanwalla”), Jory Baron (hereinafter “Jory”), Ronald M. Baron (hereinafter “Baron”), and Andris Guzman (hereinafter “Guzman”) (Thanwalla, Jory, Baron, and Guzman hereinafter “Individual Defendants”) (the Corporate Defendants and Individual Defendants collectively hereinafter the “Defendants”).

Defendants write pursuant to ¶ I(D) of this Court’s Individual Practices (the “Practices”) to seek a three (3) week extension of time of the deadline to submit a pre-motion conference in advance of Defendants’ anticipated motion to dismiss Plaintiff’s complaint pursuant to Rule 56 of the Federal Rules of Civil Procedure (hereinafter referred to as “Rule”). In support, Defendants respectfully submit that: (a) the original deadline to submit the letter motion for a pre-motion conference is June 7, 2023, pursuant to the May 4, 2023 Order of the Hon. Lois Bloom, U.S.M.J. (“Judge Bloom”);¹ (b-c) there have been no previous requests for an extension of this deadline; (d) Plaintiff did not respond to our request for consent despite an email and a phone call earlier today; (e) Defendants are not aware of any other dates previously scheduled that are affected this application; and (f) the grounds for the extension are that the parties are working out some final discovery issues concerning the production of additional discovery which may likely be needed to complete the Rule 56.1 Statement as required by ¶ IV(A)(4) of the Practices.

¹ Defendants apologize for not submitting the instant request three (3) business days prior to tomorrow’s deadline pursuant to ¶ I(D)(1) of the Practices. Your undersigned was engaged in preparation for trial to commence on June 5, 2023 before the Hon. Jed S. Rakoff, U.S.D.J. (“Judge Rakoff”), which was adjourned late last week and diverted your undersigned’s attention.

This further discovery, to the extent any is produced, needs to be reviewed and analyzed prior to filing any Rule 56.1 Statement and may also affect Defendants' ultimate decision to move for summary judgment. As such, the remaining leg of discovery should be completed before Defendants so move. Accordingly, good cause exists for this Court to exercise its discretion in favor of granting the requested extension of time. Defendants respectfully seek a three (3) week extension of time.

Defendants thank this Court for its time and attention to this case.

Dated: Lake Success, New York

June 6, 2023

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Emanuel Kataev, Esq.

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